

PACHULSKI STANG ZIEHL & JONES LLP
Debra I. Grassgreen (CA Bar No. 169978)
Jason H. Rosell (CA Bar No. 269126)
One Sansome Street, Suite 3430
San Francisco, California 94104
Telephone: (415) 263-7000
Facsimile: (415) 263-7010
E-mail: dgrassgreen@pszjlaw.com
jrosell@pszjlaw.com

Counsel to the Debtor

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

In re:

INTERNATIONAL LONGSHORE
AND WAREHOUSE UNION,

Debtor.

Case No. 23-30662 (HLB)

Chapter 11

**NOTICE OF (I) AGREEMENT TO
ATTEND A MEDIATION AND (II)
PROPOSED AMENDED ORDER
SETTING SCHEDULE IN CONNECTION
WITH PLAN CONFIRMATION
PROCESS AND RELATED DEADLINES**

PLEASE TAKE NOTICE THAT, on October 26, 2023, the Court entered an *Order Setting Schedule in Connection With Plan Confirmation Process and Related Deadlines* [Docket No. 59] (the “Confirmation Scheduling Order”).

PLEASE TAKE FURTHER NOTICE THAT, on November 2, 2023, the above-captioned debtor and debtor in possession (the “Debtor”) filed its amended *Plan of Reorganization for Small Business Under Chapter 11* [Docket No. 60] (the “Plan”).

PLEASE TAKE FURTHER NOTICE THAT the Confirmation Scheduling Order established various deadlines in connection with confirmation of the Plan, including setting (a) December 1, 2023 (the “Discovery Service Deadline”) as the deadline for any party to serve discovery requests and (b) December 22, 2023 (“Fact Discovery Deadline”) as the deadline for fact discovery to be completed.

1 **PLEASE TAKE FURTHER NOTICE THAT** ICTSI Oregon, Inc. (“ICTSI”) was the only
2 party to serve discovery requests on the Debtor by the Discovery Service Deadline.

3 **PLEASE TAKE FURTHER NOTICE THAT** the Debtor and ICTSI have met and conferred
4 and have agreed in principle to attend a mediation in early January in an effort to consensually resolve
5 their issues. The parameters and details of the mediation are attached hereto as Exhibit A.

6 **PLEASE TAKE FURTHER NOTICE THAT** the Debtor and ICTSI have agreed to, among
7 other things, adjourn the depositions previously scheduled to take place in December to late January,
8 but otherwise adhere to the Fact Discovery Deadline.

9 **PLEASE TAKE FURTHER NOTICE THAT** attached hereto as Exhibit B is a proposed
10 amended Confirmation Scheduling Order (the “Amended Confirmation Scheduling Order”) designed
11 to accommodate the mediation. The form of the Amended Confirmation Scheduling Order has been
12 approved by ICTSI.

13 **PLEASE TAKE FURTHER NOTICE THAT** attached hereto as Exhibit C is a comparison
14 of the Amended Confirmation Scheduling Order to the Confirmation Scheduling Order.
15

16 Dated: December 5, 2023

PACHULSKI STANG ZIEHL & JONES LLP

/s/ Jason H. Rosell

Debra I. Grassgreen
Jason H. Rosell

Counsel to the Debtor

EXHIBIT A

Terms of Mediation

ILWU / ICTSI — Proposed Mediation Terms

1. Client representatives with settlement authority are present for each of ILWU, CLD and PLMA, along with counsel for each entity. ICTSI will of course have a client representative with authority present, along with counsel.
2. Mediation will occur after document discovery is concluded (i.e., after December 22). Document discovery deadline remains in place. Parties will make themselves available for a mediation to take place the first week of January, subject to delay only as a result of mediator's calendar and availability.
3. Depositions continued, but must be completed by January 31 (including third party depositions), unless otherwise agreed to by the parties. Parties will meet and confer and agree to specific deposition dates before mediation. Target last 3 weeks of January to conduct all depositions. Parties will request the confirmation hearing to take place between March 11 and March 15, subject to adjustment based only on the court's calendar and availability.
4. Parties to immediately work together in good faith to agree on the selection of the mediator, provided mediator shall be a sitting or former bankruptcy judge. Parties will simultaneously exchange list of 5 acceptable mediators on 12/5 at Noon PT. Selection will be from any cross-overs. If no cross-overs, parties will meet and confer immediately and work in good faith to select a mediator.
5. Mediation will occur at neutral site in SF (or location of mediator if necessary).
6. All parties reserve all rights with respect to discovery, including the right to contest the adequacy of discovery responses (document production/subpoena compliance) and the right to interpose objections to discovery. However, parties must continue to raise issues in a timely manner to be resolved by the court if necessary.
7. Parties agree to keep the January 18 status conference.
8. Parties to submit to the court an amended scheduling order consistent with the above on or before December 6, 2023.

EXHIBIT B

Amended Confirmation Scheduling Order

PACHULSKI STANG ZIEHL & JONES LLP
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In re:

INTERNATIONAL LONGSHORE
AND WAREHOUSE UNION,

Debtor.

Case No. 23-30662-HLB

Chapter 11

**[PROPOSED] AMENDED ORDER
SETTING SCHEDULE IN CONNECTION
WITH PLAN CONFIRMATION PROCESS
AND RELATED DEADLINES**

Status Conference:

Date: January 18, 2024
Time: 10:00 a.m. (Pacific Time)
Place: Zoom / Telephonic
Judge: Hon. Hannah L. Blumenstiel

The Court having held a scheduling conference on October 19, 2023 to discuss (i) a date and time for convening a hearing on confirmation (the “Confirmation Hearing”) of the *Plan of Reorganization for Small Business Under Chapter 11* [Docket No. 18] filed by the above-captioned debtor and debtor in possession (the “Debtor”), (ii) deadlines for briefing in advance of the Confirmation Hearing, and (iii) deadlines for conducting any discovery that might be necessary prior to the Confirmation Hearing; and the Debtor having filed and served its amended *Plan of Reorganization for Small Business Under Chapter 11* [Docket No. 60] (the “Plan”) on November 2, 2023 and having transmitted via email a form of ballot to counsel to ICTSI Oregon, Inc.;

1 **IT IS HEREBY ORDERED THAT:**

2 **Plan Solicitation Deadlines**

3 1. **Status Conference.** The Court will hold a status conference on **January 18, 2024 at**
4 **10:00 a.m. (Pacific Time)** (the “Status Conference”).

5 2. **Pre-Trial Conference.** The Court will hold a pre-trial status conference on **February**
6 **15, 2024 at 10:00 a.m. (Pacific Time)** (the “Pre-Trial Conference”) at which time the Court will (i)
7 set the deadline for the Debtor to file its brief in support of confirmation of the Plan and (ii) schedule
8 the Confirmation Hearing (which hearing will take place, subject to the Court’s calendar and
9 availability, the week of March 11, 2024).

10 3. The Status Conference and Pre-Trial Conference will not be conducted in the presiding
11 judge’s courtroom but instead will be conducted by telephone or video. All interested parties should
12 consult the Bankruptcy Court’s website (<https://www.canb.uscourts.gov/>) for information explaining
13 how to arrange an appearance at a video/telephonic hearing. If you have questions about how to appear
14 at the court hearing and participate in the video hearing, you may contact the court by calling 888-
15 821-7606 or by using the Live Chat feature on the Court’s website.

16 4. On or before **December 11, 2023**, the Debtor shall serve a copy of this Order on the
17 United States Trustee, the Subchapter V Trustee, and all creditors and other parties in interest. Within
18 seven (7) calendar days of the completion of service of the foregoing, the Debtor shall file a certificate
19 of service demonstrating compliance with this paragraph.

20 5. On or before **February 5, 2024**, ICTSI Oregon, Inc., and all other creditors and other
21 parties in interest entitled to vote on the Plan shall transmit written notice of their acceptance or
22 rejection of the Plan to counsel to the Debtor.

23 6. On or before **February 9, 2024**, the Debtor shall file its ballot summary.

24 7. On or before **February 13, 2024**, ICTSI Oregon, Inc. and all other creditors or other
25 parties in interest that wish to object to confirmation of the Plan must file and serve such written
26 objection.

1 **Plan Discovery Deadlines**

2 8. Fact Discovery. Fact discovery (other than depositions) shall be completed by
3 **December 22, 2023** (the “Fact Discovery Deadline”). As to written and production discovery,
4 responses must be due before the Fact Discovery Deadline. The Court will attempt to resolve all
5 discovery disputes on an expedited basis via telephonic conference, which any party may initiate by
6 request to the Court's Courtroom Deputy and notice to the other party after they have met, conferred,
7 and made a good faith effort to resolve the dispute. The party requesting the conference should submit
8 a brief letter explaining the issues to be presented. Notwithstanding the foregoing, as set forth in the
9 Court's *Second Order Regarding Discovery Dispute* [Docket No. 105], any discovery issues initiated
10 by ICTSI Oregon, Inc. shall be done via a motion noticed pursuant to B.L.R. 9014-1(c)(1).

11 9. Deadline to Serve Discovery Requests. The last day for any party to serve discovery
12 requests is **December 1, 2023**.

13 10. Responses to Discovery Requests. The deadline to (i) serve written responses to
14 discovery requests and (ii) begin document production shall be 14 calendar days after service of such
15 discovery requests. The deadline to substantially complete document production shall be 21 calendar
16 days after service of discovery requests.

17 11. Deadline to Complete Depositions. Notwithstanding the Fact Discovery Deadline,
18 depositions that were timely noticed and served in accordance with this Order must, absent mutual
19 agreement of the parties, be completed by **January 31, 2024**. Completion means that depositions
20 must be concluded, although not necessarily transcribed.

21 12. Expert Discovery and Evidence. Direct evidence must be presented by a declaration
22 that authenticates the report of the expert. See FRCP 26(a)(2)(B), incorporated via Fed. R. Bankr. P.
23 7026. Each party must file and serve declarations of experts and other documentary evidence related
24 thereto no later than February 16, 2024. A party that intends to offer an expert solely to contradict or
25 rebut evidence on the same subject matter identified by another party must file and serve the
26 disclosures required by Rule 26(a)(2) by March 1, 2024. FRCP 26(a)(2)(D)(ii).

27 **** END OF ORDER ****

1 **ACKNOWLEDGED AND AGREED TO FORM:**

2 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

3 /s/ Ori Katz

4 Ori Katz (California Bar No. 209561)

5 Gianna Segretti (California Bar No. 323645)

6 Koray Erbas (California Bar No. 332877)

Four Embarcadero Center, 17th Floor

San Francisco, California 94111-4109

Telephone: 415.434.9100

Facsimile: 415.434.3947

Email okatz@sheppardmullin.com

gsegretti@sheppardmullin.com

kerbasi@sheppardmullin.com

9 *Attorneys for ICTSI Oregon, Inc.*

EXHIBIT C

Comparison of Amended Confirmation Scheduling Order to Confirmation Scheduling Order

PACHULSKI STANG ZIEHL & JONES LLP
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UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

In re:

INTERNATIONAL LONGSHORE
AND WAREHOUSE UNION,

Debtor.

Case No. 23-30662-HLB

Chapter 11

PROPOSED AMENDED ORDER
SETTING SCHEDULE IN CONNECTION
WITH PLAN CONFIRMATION PROCESS
AND RELATED DEADLINES

Pre-Trial/Status Conference:

Date: January 18, 2024
Time: 10:00 a.m. (Pacific Time)
Place: Zoom / Telephonic
Judge: Hon. Hannah L. Blumenstiel

The Court having held a scheduling conference on October 19, 2023 to discuss (i) a date and time for convening a hearing on confirmation (the “Confirmation Hearing”) of the *Plan of Reorganization for Small Business Under Chapter 11* [Docket No. 18] ~~(the “Plan”)~~ filed by the above-captioned debtor and debtor in possession (the “Debtor”), (ii) deadlines for briefing in advance of the Confirmation Hearing, and (iii) deadlines for conducting any discovery that might be necessary prior to the Confirmation Hearing; and the Debtor having filed and served its amended *Plan of Reorganization for Small Business Under Chapter 11* [Docket No. 60] (the “Plan”) on November 2, 2023 and having transmitted via email a form of ballot to counsel to ICTSI Oregon, Inc.;

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1 **IT IS HEREBY ORDERED THAT:**

2 **Plan Solicitation Deadlines**

3 1. Status Conference. The Court will hold a ~~pre-trial-scheduling~~status conference on
4 **January 18, 2024 at 10:00 a.m. (Pacific Time) (the "Status Conference").**

5 ~~2.~~ Pre-Trial Conference. The Court will hold a pre-trial status conference on February
6 15, 2024 at 10:00 a.m. (Pacific Time) (the "Pre-Trial Conference") at which time the Court will (i)
7 set the deadline for the Debtor to file its brief in support of confirmation of the Plan and (ii) schedule
8 the Confirmation Hearing. (which hearing will take place, subject to the Court's calendar and
9 availability, the week of March 11, 2024).

10 3. The Status Conference and Pre-Trial Conference will not be conducted in the presiding
11 judge's courtroom but instead will be conducted by telephone or video. All interested parties should
12 consult the Bankruptcy Court's website (https://www.canb.uscourts.gov/) for information explaining
13 how to arrange an appearance at a video/telephonic hearing. If you have questions about how to appear
14 at the court hearing and participate in the video hearing, you may contact the court by calling 888-
15 821-7606 or by using the Live Chat feature on the Court's website.

16 ~~2.4.~~ On or before ~~November 3, 2023~~December 11, 2023, the Debtor shall serve a copy of this
17 Order, ~~a copy of the Plan (or any amended Plan), and a copy of the notice attached hereto as Exhibit~~
18 ~~A~~, on the United States Trustee, the Subchapter V Trustee, and all creditors and other parties in
19 interest. Within seven (7) calendar days of the completion of service of the foregoing, the Debtor shall
20 file a certificate of service demonstrating compliance with this paragraph.

21 ~~3.~~ On or before ~~November 3, 2023~~, the Debtor shall transmit via email a form of ballot
22 ~~to counsel to~~ February 5, 2024, ICTSI (Oregon), Inc.

23 ~~4.5.~~ On or before ~~January 5, 2024~~, ~~and~~ all other creditors and other parties in interest
24 entitled to vote on the Plan shall transmit written notice of their acceptance or rejection of the Plan to
25 counsel to the Debtor.

26 ~~5.6.~~ On or before ~~January~~February 9, 2024, the Debtor shall file its ballot summary.

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1 ~~6.7.~~ On or before ~~January 15~~ February 13, 2024, ~~any creditor~~ ICTSI Oregon, Inc. and all
2 other creditors or other ~~party~~ parties in interest that ~~wishes~~ wish to object to confirmation of the Plan
3 must file and serve such written objection.

4 **Plan Discovery Deadlines**

5 ~~7.8.~~ Fact Discovery. Fact discovery (other than depositions) shall be completed by
6 **December 22, 2023** (the “Fact Discovery Deadline”). ~~Completion means that depositions must be~~
7 ~~concluded, although not necessarily transcribed.~~ As to written and production discovery, responses
8 must be due before the Fact Discovery Deadline. The Court will attempt to resolve all discovery
9 disputes on an expedited basis via telephonic conference, which any party may initiate by request to
10 the Court's Courtroom Deputy and notice to the other party after they have met, conferred, and made
11 a good faith effort to resolve the dispute. The party requesting the conference should submit a brief
12 letter explaining the issues to be presented. Notwithstanding the foregoing, as set forth in the Court's
13 Second Order Regarding Discovery Dispute [Docket No. 105], any discovery issues initiated by ICTSI
14 Oregon, Inc. shall be done via a motion noticed pursuant to B.L.R. 9014-1(c)(1).

15 ~~8.9.~~ Deadline to Serve Discovery Requests. The last day for any party to serve discovery
16 requests is **December 1, 2023**.

17 ~~9.10.~~ Responses to Discovery Requests. The deadline to (i) serve written responses to
18 discovery requests and (ii) begin document production shall be 14 calendar days after service of such
19 discovery requests. The deadline to substantially complete document production shall be 21 calendar
20 days after service of discovery requests.

21 11. Deadline to Complete Depositions. Notwithstanding the Fact Discovery Deadline,
22 depositions that were timely noticed and served in accordance with this Order must, absent mutual
23 agreement of the parties, be completed by January 31, 2024. Completion means that depositions
24 must be concluded, although not necessarily transcribed.

25 ~~10.12.~~ Expert Discovery and Evidence. Direct evidence must be presented by a declaration
26 that authenticates the report of the expert. See FRCP 26(a)(2)(B), incorporated via Fed. R. Bankr. P.
27 7026. Each party must file and serve declarations of experts and other documentary evidence related
28 thereto no later ~~December 29, 2023~~ than February 16, 2024. A party that intends to offer an expert

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1 solely to contradict or rebut evidence on the same subject matter identified by another party must file
2 and serve the disclosures required by Rule 26(a)(2) by ~~January 12~~March 1, 2024. FRCP
3 26(a)(2)(D)(ii).

4 **** END OF ORDER ****